

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4312
OFFERED BY M__.

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Comprehensive Border Security Act of 2005”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—COMPREHENSIVE NATIONAL STRATEGY FOR SECURING
UNITED STATES BORDERS**

Subtitle A—Establishing a comprehensive border security strategy;
infrastructure enhancements

- Sec. 101. Comprehensive land border security strategy.
- Sec. 102. Office of Tribal Security.
- Sec. 103. Creation of northern and southern border coordinators.
- Sec. 104. Smart Border Accord implementation.
- Sec. 105. Establishment of Land Border Infrastructure Improvement Fund.
- Sec. 106. Requiring a risk assessment of land ports of entry.
- Sec. 107. Report to Congress on risk assessment of terrorist threat.
- Sec. 108. 9/11 Commission full funding.

Subtitle B—Enhancing border monitoring technology and security of land
border crossings

- Sec. 111. Deployment of surveillance systems along U.S.-Mexico border.
- Sec. 112. Deployment of surveillance systems along the U.S.-Canadian border.
- Sec. 113. Deployment of radiation detection portal equipment at United States
ports of entry.
- Sec. 114. Issuance by Department of State of North American travel cards.
- Sec. 115. Expedited traveler programs.
- Sec. 116. Biometric entry and exit data program.
- Sec. 117. Visa waiver program and immediate international passenger pre-
screening pilot program.



- Sec. 118. Standards for name search technology for international travel documents and name-based watchlist systems.
- Sec. 119. Verification of security measures under the Customs–Trade Partnership Against Terrorism (C-TPAT) program and the Free and Secure Trade (FAST) program.

TITLE II—ENSURING SUFFICIENT WELL-TRAINED AND WELL-EQUIPED PERSONNEL AT UNITED STATES BORDERS

Subtitle A—Enhancing United States border security staffing resources

- Sec. 201. Authorization of appropriations for increased border resources.
- Sec. 202. Border Patrol unit for Virgin Islands.
- Sec. 203. Increase in full time United States Customs and Border Protection import specialists.
- Sec. 204. Certifications relating to functions and import specialists of United States Custom and Border Protection.
- Sec. 205. Increases in canine detection enforcement teams.
- Sec. 206. Study to determine appropriate level and allocation of personnel at ports of entry and border patrol sectors.
- Sec. 207. Assessment of study by Comptroller General.
- Sec. 208. Additional and continuous training for inspectors.
- Sec. 209. Requiring report on the “One Face At The Border” initiative.

Subtitle B—Equipment enhancements to address shortfalls to securing United States borders

- Sec. 211. Radio communications.
- Sec. 212. Hand-held global positioning system devices.
- Sec. 213. Night vision equipment.
- Sec. 214. Body armor.
- Sec. 215. Weapons.

Subtitle C—Human capital enhancements to improve the recruitment and retention of border security personnel

- Sec. 221. Maximum student loan repayments for United States Border Patrol agents.
- Sec. 222. Recruitment and relocation bonuses and retention allowances for personnel of the Department of Homeland Security.
- Sec. 223. Law enforcement retirement coverage for inspection officers and other employees.
- Sec. 224. Increase United States Border Patrol agent and inspector pay.
- Sec. 225. Compensation for training at Federal Law Enforcement Training Center.
- Sec. 226. Foreign language awards.

TITLE III—ENSURING A SUFFICIENT DETENTION AND REMOVAL PROGRAM AND SUSTAINABLE PARTNERSHIPS WITH STATE AND LOCAL PARTNERS

- Sec. 301. Increase in detention bed space.
- Sec. 302. Funding for State Criminal Alien Assistance Program (SCAAP).

TITLE IV—INCREASED PENALTIES FOR ALIEN SMUGGLING AND HUMAN TRAFFICKING



Sec. 401. Increased criminal sentences and fines for alien smuggling and human trafficking.

Sec. 402. Increased penalty for alien smuggling and human trafficking.

1 **TITLE I—COMPREHENSIVE NA-**
2 **TIONAL STRATEGY FOR SE-**
3 **CURING UNITED STATES BOR-**
4 **DERS**

5 **Subtitle A—Establishing a Com-**
6 **prehensive Border Security**
7 **Strategy; Infrastructure En-**
8 **hancements**

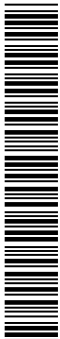
9 **SEC. 101. COMPREHENSIVE LAND BORDER SECURITY**
10 **STRATEGY.**

11 (a) IN GENERAL.—The Secretary of Homeland Secu-
12 rity, in consultation with the heads of all other Federal
13 agencies with border-related functions or with facilities or
14 lands on or along the border, shall submit to the appro-
15 priate congressional committees (as defined in section 2
16 of the Homeland Security Act of 2002 (6 U.S.C. 101))
17 unclassified and classified versions of a unified, com-
18 prehensive strategy to secure the land borders of the
19 United States not later than six months after the date
20 of the enactment of this Act.

21 (b) CONTENTS.—The strategy shall cover the fol-
22 lowing areas:

23 (1) Personnel.

24 (2) Infrastructure.



1 (3) Technology.

2 (4) Coordination of intelligence among agencies.

3 (5) Legal responsibilities and jurisdictional divi-
4 sions.

5 (6) Apprehension.

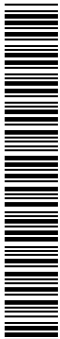
6 (7) Budgetary impact.

7 (8) Flow of commerce and economic impact.

8 (c) CONSULTATION.—In creating the strategy de-
9 scribed in subsection (a), the Federal agencies described
10 in such subsection shall consult private sector organiza-
11 tions and nongovernmental organizations with national se-
12 curity, privacy, agriculture, immigration, customs, trans-
13 portation, technology, legal, and business expertise.

14 (d) IMPLEMENTATION.—Not later than 12 months
15 after the date of the enactment of this Act, the Secretary
16 shall take necessary steps to begin the implementation of
17 and to put in place a strategy team to ensure that the
18 Border Security strategy remains comprehensive and is
19 continuously updated.

20 (e) EVALUATION.—The Comptroller General of the
21 United States shall track, monitor, and evaluate the De-
22 partment's initiatives to determine whether its efforts to
23 develop a comprehensive border security strategy is con-
24 sistent with sound strategic planning principles.



1 (f) REPORT.—Not later than 120 days after the date
2 of the enactment of this Act, and annually thereafter for
3 the succeeding three years, the Comptroller General of the
4 United States shall submit a report to the Congress on
5 the results of the activities undertaken under subsection
6 (a) during the previous year. Each such report shall in-
7 clude an analysis of the degree to which the border secu-
8 rity strategy has been effective in securing our borders.
9 Each such report shall include a collection and systematic
10 analysis of data, including workload indicators, related to
11 activities to improve and increase border security.

12 **SEC. 102. OFFICE OF TRIBAL SECURITY.**

13 The Homeland Security Act of 2002 (6 U.S.C. 101
14 et seq.) is amended—

15 (1) by inserting after section 801 the following
16 new section:

17 **“SEC. 802. OFFICE OF TRIBAL SECURITY.**

18 “(a) SHORT TITLE.—This section may be cited as the
19 ‘Tribal Homeland Security Act’.

20 “(b) ESTABLISHMENT.—There is established within
21 the Department of Homeland Security the Office of Tribal
22 Security.

23 “(c) DIRECTOR.—The Office of Tribal Security shall
24 be administered by a Director.



1 “(d) DUTIES.—The Director shall be responsible for
2 coordinating relations between the Federal Government
3 and federally recognized Indian tribes on issues relating
4 to homeland security, which shall include the following du-
5 ties:

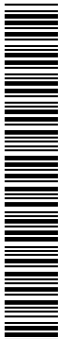
6 “(1) Serving as a point of contact within De-
7 partment of Homeland Security which shall be re-
8 sponsible for—

9 “(A) meeting the broad and complex Fed-
10 eral responsibilities owed to federally recognized
11 Indian tribes by the Department of Homeland
12 Security; and

13 “(B) soliciting and, where appropriate, ad-
14 dressing the homeland security concerns of fed-
15 erally recognized Indian tribes and other parties
16 interested in Indian affairs.

17 “(2) Promoting internal uniformity of Depart-
18 ment of Homeland Security policies relating to In-
19 dian country (as defined in section 1151 of title 18,
20 United States Code).

21 “(3) Coordinating with other relevant Depart-
22 ment of Homeland Security offices to ensure border
23 security policy addresses law enforcement, personnel,
24 and funding issues in Indian country (as defined in



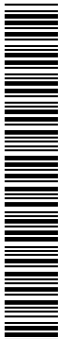
1 section 1151 of title 18, United States Code) on the
2 United States borders with Canada and with Mexico.

3 “(4) Coordinating with other relevant Depart-
4 ment of Homeland Security offices and tribal gov-
5 ernments to develop appropriate policies for critical
6 infrastructure protection on Indian lands.

7 “(5) Coordinating with other relevant Depart-
8 ment of Homeland Security offices to develop appro-
9 priate policies for intelligence and information shar-
10 ing mechanisms with tribal governments.

11 “(6) Coordinating with other relevant Depart-
12 ment of Homeland Security offices to help ensure
13 that tribal governments are fully informed of, and
14 have access to, applicable Department of Homeland
15 Security grant opportunities for emergency response
16 providers, and to develop and achieve preparedness
17 goals for tribal governments that are consistent with
18 national goals for terrorism preparedness, as deter-
19 mined by the Department.

20 “(7) Coordinating with the Director of Science
21 and Technology to identify opportunities to conduct
22 research and development of homeland security tech-
23 nologies or scientific understanding for tribal univer-
24 sities or private sector entities.



1 “(8) Coordinating with the Office of Citizenship
2 and Immigration Services and other relevant offices
3 within the Department of Homeland Security with
4 immigration service and enforcement related func-
5 tions to develop policies on issues related to citizen-
6 ship and the movement of members of federally rec-
7 ognized Indian tribes across the United States bor-
8 der, taking into consideration the unique character-
9 istics of certain federally recognized Indian tribes
10 with jurisdiction over lands adjacent to the Canadian
11 and Mexican borders.

12 “(9) Coordinating with other offices within the
13 Department of Homeland Security to develop and
14 implement sound policies regarding Indian country
15 (as defined in section 1151 of title 18, United States
16 Code) and tribal governments.”; and

17 (2) in the table of contents, by inserting after
18 the item relating to section 801 the following new
19 item:

“Sec. 802. Office of Tribal Security.”.

20 **SEC. 103. CREATION OF NORTHERN AND SOUTHERN BOR-**
21 **DER COORDINATORS.**

22 (a) IN GENERAL.—Title IV of the Homeland Secu-
23 rity Act of 2002 (6 U.S.C. 201 seq.) is amended—



1 (1) in section 402, by redesignating paragraph
2 (8) as paragraph (9) and by inserting after para-
3 graph (7) the following:

4 “(8) Increasing the security of the United
5 States at the ports of entry located along the north-
6 ern and southern borders, and improving the coordi-
7 nation among the agencies responsible for maintain-
8 ing that security.”; and

9 (2) in subtitle C, by adding at the end the fol-
10 lowing:

11 **“SEC. 431. BORDER COORDINATORS.**

12 “(a) IN GENERAL.—There shall be within the Bureau
13 of Customs and Border Protection the positions of North-
14 ern Border Coordinator and Southern Border Coordi-
15 nator, who shall be appointed by the Secretary and who
16 shall report directly to the Commissioner of the Bureau
17 of Customs and Border Protection.

18 “(b) RESPONSIBILITIES.—The Northern Border Co-
19 ordinator and the Southern Border Coordinator shall un-
20 dertake the following responsibilities along the northern
21 and southern borders, respectively—

22 “(1) serve as the primary official of the Depart-
23 ment responsible for coordinating all Federal secu-
24 rity activities along the border, especially at land
25 border ports of entry;



1 “(2) monitor the adequacy and sufficiency of
2 enhanced communication and data-sharing between
3 Federal, State, local, and tribal agencies on law en-
4 forcement, emergency response, or security-related
5 responsibilities for areas on or adjacent to the bor-
6 ders of the United States with Canada or Mexico;

7 “(3) work to improve the communications sys-
8 tems within the Department to facilitate the integra-
9 tion of communications of matters relating to border
10 security;

11 “(4) oversee the implementation of the perti-
12 nent bilateral agreement (the United States-Canada
13 ‘Smart Border’ Declaration applicable to the north-
14 ern border and the United States-Mexico Partner-
15 ship Agreement applicable to the southern border) to
16 improve border functions, ensure security, and pro-
17 mote trade and tourism;

18 “(5) assess all land border ports of entry along
19 the appropriate border and develop a list of infra-
20 structure and technology improvement projects for
21 submission to the Secretary based on the ability of
22 a project to fulfill immediate security requirements
23 and facilitate trade across the borders of the United
24 States; and



1 “(6) serve as a liaison to the foreign agencies
2 with responsibility for the appropriate border with
3 the United States.”.

4 (b) CLERICAL AMENDMENT.—Section 1(b) of such
5 Act is amended in the table of contents by inserting after
6 the item relating to section 430 the following:

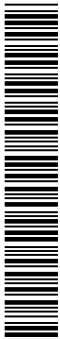
“431. Border coordinators.”.

7 **SEC. 104. SMART BORDER ACCORD IMPLEMENTATION.**

8 The President shall submit to the appropriate con-
9 gressional committees (as defined in section 2 of the
10 Homeland Security Act of 2002 (6 U.S.C. 101)) informa-
11 tion about the ongoing progress on implementation of the
12 Smart Border Accords and the efforts undertaken under
13 the Security and Prosperity Partnership of North America
14 through biannual updates on meetings of the Smart Bor-
15 der Working Group and the Security and Prosperity
16 Working Groups.

17 **SEC. 105. ESTABLISHMENT OF LAND BORDER INFRASTRUC-**
18 **TURE IMPROVEMENT FUND.**

19 (a) IN GENERAL.—There is established in the general
20 fund of the Treasury a separate account which shall be
21 known as the “Land Border Infrastructure Improvement
22 Fund”. Amounts deposited in such fund shall remain
23 available to the Secretary of Homeland Security until ex-
24 pended, subject to the provisions of appropriations Acts,
25 to carry out infrastructure and technology improvement



1 projects at United States ports of entry, as assessed under
2 section 431(b)(5) of the Homeland Security Act of 2002
3 (6 U.S.C. 101 et seq.) (as added by section 103(a)(2) of
4 this Act), to reduce and prevent United States land border
5 vulnerability to terrorist attack, and penetration by terror-
6 ists and criminals, while effectively facilitating the move-
7 ment of goods, services, and legitimate travelers.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated \$1,000,000,000 to carry
10 out the projects described in subsection (c).

11 (c) PROJECTS DESCRIBED.—The Secretary of Home-
12 land Security may carry out infrastructure and technology
13 improvement projects recommended in the report sub-
14 mitted under section 107 of this Act in order to reduce
15 the vulnerability of ports of entry.

16 **SEC. 106. REQUIRING A RISK ASSESSMENT OF LAND PORTS**
17 **OF ENTRY.**

18 (a) INITIAL ASSESSMENT.—

19 (1) IN GENERAL.—Not later than three months
20 after the date of the enactment of this Act, the Sec-
21 retary of Homeland Security shall conduct a risk as-
22 sessment of each United States land port of entry to
23 include vulnerabilities at and between each port of
24 entry to penetration by terrorists and criminals or
25 terrorist attack. In carrying out assessments under



1 this paragraph, the Secretary shall categorize the
2 vulnerability of each port of entry as “high”, “me-
3 dium”, or “low” and shall prioritize the vulnerability
4 of each port of entry within each such category. In
5 conducting the assessment, the Secretary of Home-
6 land Security shall consult with appropriate State,
7 local, and private sector representatives.

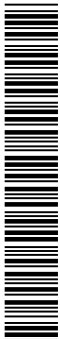
8 (2) REPORT.—Not later than one year after the
9 date of the enactment of this Act, the Secretary
10 shall prepare and submit to the appropriate congres-
11 sional committees (as that term is defined in section
12 2 of the Homeland Security Act of 2002 (6 U.S.C.
13 101)) a report that contains—

14 (A) the results of the assessment con-
15 ducted under paragraph (1);

16 (B) with respect to each port of entry cat-
17 egorized under paragraph (1) as either a
18 “high” or “medium” vulnerability port of entry,
19 descriptions of—

20 (i) infrastructure and technology im-
21 provement projects required for the port of
22 entry in order to reduce its vulnerability;
23 and

24 (ii) the resources required to make
25 such improvements; and



1 (C) a description of how the funds will be
2 used to implement technology and infrastruc-
3 ture improvement projects that enhances secu-
4 rity and also facilitates the free flow of people
5 and trade.

6 (b) FOLLOW-UP ASSESSMENTS.—The Secretary of
7 Homeland Security shall conduct follow-up assessments of
8 land border ports of entry every 2 years and shall submit
9 such reports to the appropriate congressional committees
10 (as defined in section 2 of the Homeland Security Act of
11 2002 (6 U.S.C. 101)).

12 **SEC. 107. REPORT TO CONGRESS ON RISK ASSESSMENT OF**
13 **TERRORIST THREAT.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that terrorists and terrorist groups may infiltrate
16 the United States along any point of the international land
17 and maritime borders of the United States.

18 (b) FINDING.—Congress finds that the Chief Intel-
19 ligence Officer of the Department of Homeland Security
20 is responsible for directing a common intelligence mission
21 within the Department, and maintaining authority over
22 Customs and Border Protection, the Transportation Secu-
23 rity Administration, Immigration and Customs Enforce-
24 ment, and other agencies that maintain contact with aliens
25 seeking entry into the United States.



1 (c) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, the Chief Intelligence Officer
3 of the Department of Homeland Security shall submit to
4 Congress a report that contains a risk assessment of the
5 threat posed by terrorists and terrorist groups that may
6 try to infiltrate the United States along any point of the
7 international land and maritime borders of the United
8 States.

9 **SEC. 108. 9/11 COMMISSION FULL FUNDING.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) On November 27, 2002, Congress and the
12 President created the National Commission on Ter-
13 rorist Attacks Upon the United States (referred to
14 in this subsection as the “9/11 Commission”).

15 (2) Throughout 2003 and 2004, the bipartisan
16 9/11 Commission held 12 hearings, took testimony
17 from 160 witnesses, reviewed more than 2,500,000
18 pages of documents, and interviewed more than
19 1,200 individuals in 10 countries.

20 (3) In July of 2004, the 9/11 Commission
21 issued its final report along with recommendations
22 designed to prevent future terrorist attacks on the
23 United States.

24 (4) On December 8, 2004, Congress passed the
25 Intelligence Reform and Terrorism Prevention Act



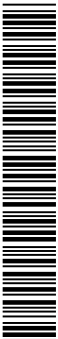
1 of 2004 (Public Law 108–458) which authorizes
2 funds necessary to address key gaps in homeland se-
3 curity.

4 (5) On December 17, 2004, the President
5 signed the Intelligence Reform and Terrorism Pre-
6 vention Act of 2004 and promised to ensure that the
7 law enforcement and homeland security personnel of
8 the United States have the resources necessary to do
9 their jobs.

10 (6) The budget request submitted by the Presi-
11 dent to Congress in February of 2005 fails to pro-
12 vide sufficient funding to ensure that the law en-
13 forcement and homeland security personnel of the
14 United States have the resources necessary to pro-
15 tect the United States from future terrorist attacks.

16 (7) The President should comply with the Intel-
17 ligence Reform and Terrorism Prevention Act of
18 2004 and request the maximum amount of funds
19 authorized by the Act to fulfill the promise to pro-
20 vide adequate resources to law enforcement per-
21 sonnel.

22 (b) REPORT ON BUDGET REQUEST FOR PROGRAMS
23 AUTHORIZED BY THE INTELLIGENCE REFORM AND TER-
24 RORISM PREVENTION ACT OF 2004.—

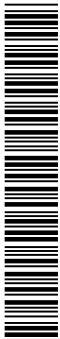


1 (1) EXPLANATION OF HOMELAND SECURITY
2 FUNDING SHORTFALL.—

3 (A) INITIAL REPORT.—Not later than 30
4 days after the date of the enactment of this sec-
5 tion, the President shall submit to Congress a
6 report that explains each homeland security
7 funding shortfall included in the budget sub-
8 mitted to Congress for fiscal year 2006 under
9 section 1105(a) of title 31, United States Code,
10 including the rationale for requesting less than
11 the authorized level of funding for each such
12 funding shortfall.

13 (B) ANNUAL REPORTS.—Not later than 15
14 days after the President submits to Congress
15 the budget for a fiscal year under section
16 1105(a) of title 31, United States Code, the
17 President shall submit to Congress a report
18 that explains each homeland security funding
19 shortfall included in the budget for the fiscal
20 year, including the rationale for requesting less
21 than the authorized level of funding for each
22 such funding shortfall.

23 (2) DEFINITION OF HOMELAND SECURITY
24 FUNDING SHORTFALL.—In this subsection, the term
25 “homeland security funding shortfall” means a pro-



1 gram authorized by the Intelligence Reform and
2 Terrorism Prevention Act of 2004 (Public Law 108–
3 458) for which the amount of authorization of ap-
4 propriation for a fiscal year—

5 (A) is specified under such Act, and the
6 President does not request under such budget
7 the maximum amount authorized by such Act
8 for such fiscal year; or

9 (B) is not specified under such Act, and
10 the President does not request under such
11 budget an amount sufficient to operate the pro-
12 gram as required by such Act.

13 **Subtitle B—Enhancing Border**
14 **Monitoring Technology and Se-**
15 **curity of Land Border Crossings**

16 **SEC. 111. DEPLOYMENT OF SURVEILLANCE SYSTEMS**
17 **ALONG U.S.-MEXICO BORDER.**

18 (a) DEPLOYMENT PLAN.—

19 (1) IN GENERAL.—Not later than six months
20 after the date of the enactment of this Act and in
21 conjunction with the completion of the initial risk
22 assessment under section 106 of the vulnerabilities
23 of each United States land port of entry to penetra-
24 tion by terrorists and criminals or terrorist attack,
25 the Secretary of Homeland Security shall develop a



1 comprehensive plan to fully deploy technological sur-
2 veillance systems along the United States-Mexico
3 land borders between the ports of entry. Surveillance
4 systems included in the deployment plan must—

5 (A) include a description of efforts to in-
6 volve key internal and external stakeholders in
7 the development of the comprehensive plan to
8 fully deploy technological surveillance along the
9 United States and Mexico borders;

10 (B) include a description of the specific
11 technology to be deployed;

12 (C) to the extent practicable, be fully inter-
13 operable with existing surveillance systems and
14 mission systems, such as the Integrated Surveil-
15 lance Intelligence Systems already in use by the
16 Department of Homeland Security;

17 (D) include a description of how surveil-
18 lance technology will provide for continuous
19 monitoring of the border;

20 (E) identify any obstacles that may impede
21 full implementation of the deployment plan; and

22 (F) estimate of all costs associated with
23 the implementation of the deployment plan.

24 (2) REPORT.—Not later than September 30,
25 2006, the Secretary of Homeland Security shall sub-



1 mit the deployment plan described in paragraph (1)
2 to—

3 (A) the appropriate congressional com-
4 mittee (as defined in section 2 of the Homeland
5 Security Act of 2002 (6 U.S.C. 101)); and

6 (B) the Inspector General of the Depart-
7 ment of Homeland Security.

8 (b) ACTION BY INSPECTOR GENERAL.—Not later
9 than 60 days after receipt of the report under subsection
10 (c)(2), the Inspector General shall submit to Congress a
11 review and assessment of the report, including an assess-
12 ment of the costs associated with the purchase, installa-
13 tion, or other factors affecting the completion costs of the
14 surveillance technology and affiliated surveillance systems
15 and a determination regarding whether such costs are in
16 accord with general principles of economy and efficiency.
17 Such review and assessment shall also include a review
18 of the implementation and operation of the surveillance
19 system and its technological components.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section
22 such sums as may be necessary for fiscal year 2006 and
23 each succeeding fiscal year.



1 **SEC. 112. DEPLOYMENT OF SURVEILLANCE SYSTEMS**
2 **ALONG THE U.S.-CANADIAN BORDER.**

3 (a) DEPLOYMENT PLAN.—

4 (1) IN GENERAL.—Not later than six months
5 after the date of the enactment of this Act and in
6 conjunction with the completion of the initial risk
7 assessment under section 106 of the vulnerabilities
8 of each United States land port of entry to penetra-
9 tion by terrorists and criminals or terrorist attack,
10 the Secretary of Homeland Security shall develop a
11 comprehensive plan to fully deploy technological sur-
12 veillance systems along the United States-Canadian
13 land borders between the ports of entry. Surveillance
14 systems included in the deployment plan must—

15 (A) include a description of efforts to in-
16 volve key internal and external stakeholders in
17 the development of the comprehensive plan to
18 fully deploy technological surveillance along the
19 United States and Canadian borders;

20 (B) include a description of the specific
21 technology to be deployed;

22 (C) to the extent practicable, be fully inter-
23 operable with existing surveillance systems and
24 mission systems, such as the Integrated Surveil-
25 lance Intelligence Systems already in use by the
26 Department of Homeland Security;



1 (D) include a description of how surveil-
2 lance technology will provide for continuous
3 monitoring of the border;

4 (E) identify any obstacles that may impede
5 full implementation of the deployment plan; and

6 (F) estimate of all costs associated with
7 the implementation of the deployment plan.

8 (2) REPORT.—Not later than September 30,
9 2006, the Secretary of Homeland Security shall sub-
10 mit the deployment plan described in paragraph (1)
11 to—

12 (A) the appropriate congressional com-
13 mittee (as defined in section 2 of the Homeland
14 Security Act of 2002 (6 U.S.C. 101)); and

15 (B) the Inspector General of the Depart-
16 ment of Homeland Security.

17 (b) ACTION BY INSPECTOR GENERAL.—Not later
18 than 60 days after receipt of the report under subsection
19 (c)(2), the Inspector General shall submit to Congress a
20 review and assessment of the report, including an assess-
21 ment of the costs associated with the purchase, installa-
22 tion, or other factors affecting the completion costs of the
23 surveillance technology and affiliated surveillance systems
24 and a determination regarding whether such costs are in
25 accord with general principles of economy and efficiency.



1 Such review and assessment shall also include a review
2 of the implementation and operation of the surveillance
3 system and its technological components.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 such sums as may be necessary for fiscal year 2006 and
7 each succeeding fiscal year.

8 **SEC. 113. DEPLOYMENT OF RADIATION DETECTION POR-**
9 **TAL EQUIPMENT AT UNITED STATES PORTS**
10 **OF ENTRY.**

11 (a) DEPLOYMENT.—Not later than one year after the
12 date of the enactment of this Act, the Secretary of Home-
13 land Security shall deploy radiation portal monitors at all
14 United States ports of entry and facilities as determined
15 by the Secretary to facilitate the screening of all inbound
16 cargo for nuclear and radiological material.

17 (b) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, the Secretary shall submit
19 to the Committee on Homeland Security of the House of
20 Representatives and the Committee on Homeland Security
21 and Governmental Affairs of the Senate a report on the
22 Department's progress toward carrying out the deploy-
23 ment described in subsection (a).

24 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to the Secretary to carry



1 out subsection (a) such sums as may be necessary for each
2 of fiscal years 2006 and 2007.

3 **SEC. 114. ISSUANCE BY DEPARTMENT OF STATE OF NORTH**
4 **AMERICAN TRAVEL CARDS.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) United States citizens make approximately
8 100 million land border crossings each year between
9 the United States and Canada and the United
10 States and Mexico, with approximately 23 million in-
11 dividual United States citizens crossing the border
12 annually.

13 (2) Approximately 23 percent of United States
14 citizens possess United States passports.

15 (3) In fiscal year 2004, the Department of
16 State issued over 8.8 million passports, representing
17 an increase of 22 percent from the previous fiscal
18 year.

19 (4) In fiscal year 2005, the Department issued
20 an estimated 10 million passports, representing an
21 increase of 13 percent from fiscal year 2004.

22 (5) The Department estimates that it will issue
23 12 million passports in fiscal year 2006, 14 million
24 in fiscal year 2007, and 17 million in fiscal year
25 2008.



1 (b) IN GENERAL.—

2 (1) ISSUANCE.—In accordance with the West-
3 ern Hemisphere Travel Initiative described in section
4 7209 of the Intelligence Reform and Terrorism Pre-
5 vention Act of 2004 (Public Law 108–458), the Sec-
6 retary of State shall, not later than January 1,
7 2008, issue to United States citizens who submit an
8 application in accordance with paragraph (3) a trav-
9 el document that will serve as a North American
10 travel card.

11 (2) LIMITATION ON USE.—A North American
12 travel card may only be used for the purpose of fa-
13 cilitating international travel by United States citi-
14 zens through ports of entry between the United
15 States and Canada, the United States and Mexico,
16 and the United States and those Caribbean nations
17 for whose citizens documentation requirements have
18 previously been waived under section 212(d)(4)(B)
19 of the Immigration and Nationality Act (8 U.S.C.
20 1182(d)(4)(B)).

21 (3) APPLICATION FOR ISSUANCE.—To be issued
22 a North American travel card, a United States citi-
23 zen shall submit an application to the Secretary of
24 State. Such application shall contain the same infor-
25 mation as is required by the Secretary to determine



1 citizenship, identity, and eligibility for issuance of a
2 United States passport.

3 (4) TECHNOLOGY.—

4 (A) EXPEDITED TRAVELER PROGRAMS.—A
5 North American travel card shall be designed
6 and produced so as to provide a platform on
7 which the expedited traveler programs of the
8 Department of Homeland Security, such as
9 NEXUS, NEXUS AIR, SENTRI, FAST, and
10 *Registered Traveler* can be added.

11 (B) MACHINE READABLE.—A North
12 American travel card shall satisfy the inter-
13 nationally accepted standard for machine read-
14 ability in the same manner and to the same ex-
15 tent that passports are required to be machine
16 readable under subsections (a)(3)(A) and
17 (c)(2)(B)(i) of section 217 of the Immigration
18 and Nationality Act (8 U.S.C. 1187), except
19 that the deadlines and limited waiver authority
20 with respect to machine readability provided in
21 such section shall not apply to a North Amer-
22 ican travel card.

23 (5) PERIOD OF VALIDITY.—The period of valid-
24 ity of a North American travel card shall be the
25 same as the period of validity, subject to any limita-



1 tions or restrictions with respect to such period, as
2 a United States passport.

3 (6) FEE.—Except as provided in paragraph (8),
4 an applicant for a North American travel card shall
5 submit an application under paragraph (3) together
6 with a nonrefundable fee in an amount to be deter-
7 mined by the Secretary of State. Such fee shall be
8 set based on the cost of service. The Secretary of
9 State shall strive to keep the fee as low as possible
10 in order to encourage and expand cross-border travel
11 and trade. Any fees authorized under this Act will
12 be used to offset the cost of card production and
13 issuance.

14 (7) RULE OF CONSTRUCTION.—Nothing in this
15 Act shall be construed as limiting, altering, modi-
16 fying, or otherwise affecting the validity of a United
17 States passport. A United States citizen may possess
18 a United States passport and a North American
19 travel card.

20 (8) PROGRAM.—To encourage early acquisition
21 of North American travel cards by United States
22 citizens and maintain cross-border travel and trade,
23 the Secretary of State shall not charge the non-
24 refundable fee referred to in paragraph (6) for the
25 first year of the program.



1 (9) SENSE OF CONGRESS.—It is the sense of
2 Congress that the Secretary of State should seek to
3 expedite the speed with which North American travel
4 cards are issued in response to citizens' applications
5 by whatever means possible in order to support
6 spontaneous travel between border communities in
7 the United States, Canada, and Mexico.

8 (c) FOREIGN COOPERATION.—In order to maintain
9 and encourage cross-border travel and trade, the Secretary
10 of State and the Secretary of Homeland Security shall use
11 all possible means to coordinate with the appropriate rep-
12 resentatives of foreign governments to ensure that their
13 citizens and nationals possess, not later than January 1,
14 2008, appropriate documentation to allow such citizens
15 and nationals to cross into the United States.

16 (d) PUBLIC PROMOTION.—To promote travel and
17 trade across the United States border, the Secretary of
18 State and the Secretary of Homeland Security shall co-
19 operate in the development of a public communication plan
20 to promote to United States citizens, representatives of
21 the travel and trade industries, and local government offi-
22 cials information relating to the North American travel
23 card program and the expedited traveler programs of the
24 Department of Homeland Security.

25 (e) STATUTORY AUTHORITY.—



1 (1) STATE DEPARTMENT BASIC AUTHORITIES
2 ACT OF 1956.—The State Department Basic Authori-
3 ties Act of 1956 is amended—

4 (A) in section 3(m) (22 U.S.C. 2670(m)),
5 by inserting “, North American travel card,”
6 after “passport”;

7 (B) in section 4 (22 U.S.C. 2671)—

8 (i) in subsection (b)(2)(I), by insert-
9 ing “, North American travel cards,” after
10 “passports”; and

11 (ii) in subsection (d)(3), by inserting
12 “or North American travel cards” after
13 “passports”;

14 (C) in section 33(1) (22 U.S.C. 2705(1),
15 by striking “passport,” and inserting “passport
16 or North American travel card,”;

17 (D) in section 37(a)(1) (22 U.S.C.
18 2709(a)(1)), by inserting “, North American
19 travel card,” after “passport”;

20 (E) in section 42 (22 U.S.C. 2714)—

21 (i) in subsection (a)—

22 (I) in paragraph (1), by inserting
23 “or North American travel card” after
24 “passport” each place such term ap-
25 pears; and



1 (II) in paragraph (2)—

2 (aa) in the heading, by in-
3 serting “AND NORTH AMERICAN
4 TRAVEL CARD” after “PASS-
5 PORT”; and

6 (bb) by inserting “or North
7 American travel card” after
8 “passport” each place such term
9 appears; and

10 (ii) in subsection (d), by striking
11 “passport,” and inserting “passport or
12 North American travel card,”; and

13 (F) in section 49 (22 U.S.C. 2721)—

14 (i) in the heading, by inserting “**AND**
15 **NORTH AMERICAN TRAVEL CARDS**”
16 after “**PASSPORTS**”; and

17 (ii) by inserting “or North American
18 travel card” after “passport”.

19 (2) IMMIGRATION AND NATIONALITY ACT.—The
20 Immigration and Nationality Act is amended—

21 (A) in section 215 (8 U.S.C. 1185)—

22 (i) in subsection (b), by inserting “or
23 North American travel card, if appro-
24 priate” after “passport”; and



1 (ii) in subsection (f), by inserting
2 “North American travel cards (if appro-
3 priate),” after “Passports,”;

4 (B) in section 231(c)(5) (8 U.S.C.
5 1221(c)(5)), by inserting “or North American
6 travel card number, if appropriate” before the
7 semicolon;

8 (C) in section 241(c)(3)(B)(vi) (8 U.S.C.
9 1231(c)(3)(B)(vi), by inserting “or North
10 American travel card” after “passport”; and

11 (D) in section 274A(b)(1)(B)(i) (8 U.S.C.
12 1324a(b)(1)(B)(i), by inserting “or North
13 American travel card” before the semicolon.

14 (f) REPORTS.—The Secretary of State shall, on a
15 quarterly basis during the first year of issuance of North
16 American travel cards and on an annual basis thereafter,
17 submit to Congress a report containing information relat-
18 ing to the number of North American travel cards issued
19 during the immediately preceding quarter or year, as ap-
20 propriate, and the number of United States citizens in
21 each State applying for such cards.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary of State
24 such sums as may be necessary to carry out this section.



1 **SEC. 115. EXPEDITED TRAVELER PROGRAMS.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that the expedited travel programs of the Depart-
4 ment of Homeland Security should be expanded to all
5 major United States ports of entry and participation in
6 the pre-enrollment programs should be strongly encour-
7 aged. These programs assist frontline officers of the
8 United States in the fight against terrorism by increasing
9 the number of known travelers crossing the border. The
10 identities of such expedited travelers should be entered
11 into a database of known travelers who have been sub-
12 jected to in-depth background and watch-list checks. This
13 will permit border control officers to focus more closely
14 on unknown travelers, potential criminals, and terrorists.

15 (b) MONITORING.—

16 (1) IN GENERAL.—The Secretary of Homeland
17 Security shall monitor usage levels of all expedited
18 travel lanes at United States land border ports of
19 entry.

20 (2) FUNDING FOR STAFF AND INFRASTRUC-
21 TURE.—If the Secretary determines that the usage
22 levels referred to in paragraph (1) exceed the capac-
23 ity of border facilities to provide expedited entry and
24 exit, the Secretary shall submit to Congress a re-
25 quest for additional funding for increases in staff



1 and improvements in infrastructure, as appropriate,
2 to enhance the capacity of such facilities.

3 (c) EXPANSION OF EXPEDITED TRAVELER SERV-
4 ICES.—The Secretary of Homeland Security shall—

5 (1) open new enrollment centers in States that
6 do not share an international land border with Can-
7 ada or Mexico but where the Secretary has deter-
8 mined that a large demand for expedited traveler
9 programs exist;

10 (2) reduce fee levels for the expedited traveler
11 programs to encourage greater participation; and

12 (3) cooperate with the Secretary of State in the
13 public promotion of benefits of the expedited traveler
14 programs of the Department of Homeland Security.

15 (d) REPORT ON EXPEDITED TRAVELER PRO-
16 GRAMS.—The Secretary of Homeland Security shall, on
17 biannually in 2006, 2007, and 2008, submit to Congress
18 a report on participation in the expedited traveler pro-
19 grams of the Department of Homeland Security.

20 (e) INTEGRATION AND INTEROPERABILITY OF EXPE-
21 DITED TRAVELER PROGRAM DATABASES.—Not later than
22 six months after the date of the enactment of this Act,
23 the Secretary of Homeland Security shall develop a plan
24 to full integrate and make interoperable the databases of
25 all of the expedited traveler programs of the Department



1 of Homeland Security, including NEXUS, AIR NEXUS,
2 SENTRI, FAST, and *Register Traveler*.

3 **SEC. 116. BIOMETRIC ENTRY AND EXIT DATA PROGRAM.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—In ac-
5 cordance with section 7208 of the Intelligence Reform and
6 Terrorism Prevention Act of 2004 (relating to the integra-
7 tion of biometric entry and exit data systems of the De-
8 partment of Homeland Security, the Department of Jus-
9 tice, and the Department of State) (Public Law 108–458),
10 there are authorized to be appropriated to the Secretary
11 of Homeland Security and the Secretary of State such
12 sums as may be necessary to—

13 (1) pay for equipment, and the installation of
14 such equipment, necessary to capture 10 finger-
15 prints from each alien who is applying for a visa at
16 United States embassies and consulates, and each
17 Visa Waiver Program (in this section referred to as
18 “VWP”) traveler arriving at United States ports of
19 entry; and

20 (2) make the IDENT and IAFIS databases
21 interoperable.

22 (b) TASK FORCE.—

23 (1) IN GENERAL.—In order to assist the Sec-
24 retary of Homeland Security to complete the plan-
25 ning and expedited deployment of US-VISIT, as de-



1 scribed in section 7208 of such Act, the Secretary
2 shall convene a task force.

3 (2) COMPOSITION.—The task force shall be
4 composed of representatives from private sector
5 groups with an interest in immigration and natu-
6 ralization, travel and tourism, transportation, trade,
7 law enforcement, national security, the environment,
8 and other affected industries and areas of interest.
9 Members of the task force shall be appointed by the
10 Secretary for the life of the task force.

11 (3) DUTIES.—The task force shall advise and
12 assist the Secretary regarding ways to make US-
13 VISIT a secure and complete system to track visi-
14 tors to the United States.

15 (4) REPORT.—Not later than December 31,
16 2006, and annually thereafter that the task force is
17 in existence, the task force shall submit to the
18 House Committee on Homeland Security and the
19 Committee on Homeland Security and Government
20 Reform of the Senate a report containing the find-
21 ings, conclusions, and recommendations of the task
22 force with respect to making US-VISIT a secure and
23 complete system, in accordance with paragraph (3).
24 The report shall also measure and evaluate the
25 progress the task force has made in providing a



1 framework for completion of the US-VISIT pro-
2 gram, an estimation of how long any remaining work
3 will take to complete, and an estimation of the cost
4 to complete such work.

5 (5) AUTHORIZATION OF APPROPRIATIONS.—

6 There are authorized to be appropriated to the Sec-
7 retary such funds as may be necessary to carry out
8 this subsection.

9 **SEC. 117. VISA WAIVER PROGRAM AND IMMEDIATE INTER-**
10 **NATIONAL PASSENGER PRE-SCREENING**
11 **PILOT PROGRAM.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) Since 1986, many of the passengers on
14 flights to the United States have been permitted to
15 travel to the United States for tourism or business
16 stays of 90 days or less without obtaining a visa
17 under the Visa Waiver Program (in this section re-
18 ferred to as the “VWP”), in accordance with section
19 217 of the Immigration and Nationality Act (8
20 U.S.C. 1187).

21 (2) The following twenty-seven countries par-
22 ticipate in the VWP program: Andorra, Australia,
23 Austria, Belgium, Brunei, Denmark, Finland,
24 France, Germany, Iceland, Ireland, Italy, Japan,
25 Liechtenstein, Luxembourg, Monaco, the Nether-



1 lands, New Zealand, Norway, Portugal, San Marino,
2 Singapore, Slovenia, Spain, Sweden, Switzerland and
3 the United Kingdom.

4 (3) Approximately 15 million VWP visitors
5 enter the United States each year.

6 (4) At present, Federal law enforcement officers
7 are often denied the opportunity to check the identi-
8 ties of VWP passengers against the consolidated ter-
9 rorist watch list before they leave foreign ports,
10 meaning that VWP visitors often do not undergo
11 scrutiny until after they are en route to the United
12 States.

13 (5) While the VWP presents the greatest con-
14 cern, visa holders also present a potential threat. In
15 many countries, United States embassies and con-
16 sulates issue visas that are good for up to 10 years.
17 During that time, a valid visa holder may commit a
18 terrorist act and be added to the consolidated ter-
19 rorist watch list. In this case too, under the current
20 system, this individual would not undergo scrutiny
21 and thus would not be detected until after this indi-
22 vidual was en route to the United States.

23 (6) United States passport holders have also
24 been misidentified against the no-fly list, and under
25 the current system, a correct determination of iden-



1 tity cannot be made until a flight has been diverted
2 from its original course.

3 (7) Specifically, the Advanced Passenger Infor-
4 mation System (in this section referred to as
5 “APIS”), operated by the Department of Homeland
6 Security, requires that, not later than 15 minutes
7 after departing from foreign ports, air carriers to
8 electronically transmit to the Department passenger
9 manifests for United States-bound flights to ensure
10 all passengers are eligible for admission into the
11 United States.

12 (8) Over the past two years, numerous flights
13 have been turned around mid-air when travelers on
14 them matched no-fly or terrorist watch lists. In the
15 first half of 2005 alone, six flights were diverted be-
16 cause of matches to the no-fly list. Specifically:

17 (A) On January 12, 2005, British Airways
18 Flight 175 from London to Kennedy Airport
19 was returned to London when a Moroccan pas-
20 senger matched a name on the list. He was
21 questioned and released.

22 (B) On April 12, 2005, KLM Flight 685
23 en route to Mexico City was returned to the
24 Netherlands after a match of an unidentified
25 passenger.



1 (C) On May 12, 2005, Air France Flight
2 332 from Paris to Boston was diverted to
3 Maine because of an unidentified match.

4 (D) On May 17, 2005, an Alitalia jet, en
5 route from Milan to Boston, was diverted to
6 Maine because of an unidentified match.

7 (E) On May 31, 2005, a Korean Air flight
8 to California was diverted to Japan because the
9 name of a United States citizen of Pakistani
10 descent matched the name of a suspect on the
11 no-fly list. Once it was determined that he was
12 not the suspect in question, he was allowed to
13 re-board the flight and continue to San Fran-
14 cisco. The flight had completed most of the trip
15 to San Francisco before being turned back to
16 Japan.

17 (F) On July 10, 2005, an Air France
18 flight en route to O'Hare was ordered to return
19 to Paris about two hours into its trip when
20 checks indicated that the brother of a Jor-
21 danian citizen on the United States terrorist
22 watch list was on board with his wife and two
23 children. The man held a United States pass-
24 port. He and his family were questioned and re-
25 leased.



1 (9) In light of the foregoing, the 15-minutes
2 after departure deadline for the electronic trans-
3 mission of passenger data is antiquated and creates
4 a major security gap that must be closed.

5 (10) Technology exists to allow the Department
6 of Homeland Security to pre-screen United States-
7 bound passengers electronically, instantaneously, and
8 on an individualized basis.

9 (b) IMMEDIATE INTERNATIONAL PASSENGER PRE-
10 SCREENING PILOT PROGRAM.—

11 (1) IN GENERAL.—Not later than March 1,
12 2006, the Secretary of Homeland Security shall
13 complete a 90-day pilot program of automated sys-
14 tems for the immediate pre-screening of United
15 States-bound passengers, as part of the integrated
16 entry and exit data system required under section
17 110 of the Illegal Immigration Reform and Immig-
18 rant Responsibility Act of 1996 (8 U.S.C. 1221
19 note).

20 (2) OPERATION.—The Secretary shall conduct
21 the pilot program in collaboration with one air car-
22 rier in at least two foreign airports. The Secretary
23 shall assess between one and three systems described
24 in paragraph (1). Tested systems must be able to
25 provide an immediate electronic response to air car-



1 riers regarding whether a passenger is eligible for
2 admission into the United States as a nonimmigrant
3 visitor described in section 101(a)(15)(B) of the Im-
4 migration and Nationality Act (8 U.S.C.
5 1101(a)(15)(B)). At least one of the tested systems
6 must be commercially-available.

7 (3) REVIEW.—Not later than June 1, 2006, the
8 Secretary shall submit to the House Committee on
9 Homeland Security and the Senate Committee on
10 Commerce, Science and Transportation a review of
11 the pilot program that provides the following infor-
12 mation:

13 (A) Details on the technical performance
14 of each of the tested systems, as well as details
15 on each of the tested systems' provisions to pro-
16 tect the civil liberties and privacy rights of trav-
17 elers, and the adequacy of an immediate redress
18 or appeals process for passengers denied au-
19 thorization to travel.

20 (B) A determination regarding which of
21 the tested systems is most preferable to ensure
22 immediate pre-screening of international pas-
23 sengers, arrived at after consultation with indi-
24 viduals in the private sector with expertise in



1 the airline industry, travel, tourism, privacy,
2 national security, or computer security issues.

3 (C) A plan to fully deploy the most pref-
4 erable system not later than January 1, 2007.

5 **SEC. 118. STANDARDS FOR NAME SEARCH TECHNOLOGY**
6 **FOR INTERNATIONAL TRAVEL DOCUMENTS**
7 **AND NAME-BASED WATCHLIST SYSTEMS.**

8 (a) IN GENERAL.—In response to the concerns of
9 Congress expressed in section 7205 of the Intelligence Re-
10 form and Terrorism Prevention Act of 2004 (Public Law
11 108–458) and section 202(b) of Enhanced Border Secu-
12 rity and Visa Entry Reform Act of 2002 (Public Law 107–
13 173), the Director of the National Institute of Standards
14 and Technology (in this section referred to as “NIST”)
15 shall, not later than 180 days after the date of the enact-
16 ment of this Act, conduct a detailed study on all available
17 technologies that—

18 (1) provide a linguistically-based search algo-
19 rithm that allows for the accurate comparison of
20 English transliterations of foreign names with the
21 original native language version of the name;

22 (2) recognize the native script and are sensitive
23 to multiple and erroneous transliterations;

24 (3) overcome the vast majority of spelling vari-
25 ations that currently defeat terrorist watchlist sys-



1 tems of the Department of Homeland Security and
2 the Department of Justice; and

3 (4) in the opinion of the Director, enhance the
4 ability of the Department of Homeland Security, De-
5 partment of State, intelligence community, Depart-
6 ment of Justice, and all other agencies, bureaus, and
7 departments of the United States government to ef-
8 fectively carry out section 7205 of the Intelligence
9 Reform and Terrorism Prevention Act of 2004 and
10 section 202(b) of Enhanced Border Security and
11 Visa Entry Reform Act of 2002.

12 (b) REPORT.—The Director shall submit to the Com-
13 mittee on Homeland Security of the House of Representa-
14 tives, the Committee on Homeland Security and Govern-
15 mental Affairs of the Senate, the Secretary of Homeland
16 Security, the Secretary of State, the Director of National
17 Intelligence, and the Attorney General a report based on
18 the study conducted pursuant to subsection (a) that in-
19 cludes the following:

20 (1) A description of the most state-of-the-art
21 technologies currently available using linguistically-
22 based search algorithms for comparing native lan-
23 guage name versions with English language name
24 transliterations.



1 (2) Statistics demonstrating the percentage of
2 false positives and false negatives that each tech-
3 nology described in paragraph (1) produces.

4 (3) The ability of each technology described in
5 paragraph (1) to make name matches on a one-to-
6 one and on a one-to-many basis.

7 (4) A recommendation on which technology is
8 best suited to needs of the United States with re-
9 spect to entering and comparing data on United
10 States terrorist watchlists and other databases that
11 track alien travel to and from the United States or
12 presence in the United States.

13 (c) INTEGRATION AND COORDINATION WITH OTHER
14 AGENCIES.—Not later than 180 days after the submission
15 of the report required under subsection (b), the Secretary
16 of Homeland Security shall ensure the integration of the
17 technology recommended in paragraph (4) of such sub-
18 section into all of the systems of the Department of Home-
19 land Security that collect or compare data on alien travel
20 to and from the United States or aliens present in the
21 United States. The Secretary shall coordinate closely with
22 the Secretary of State, the Director of National Intel-
23 ligence, and the Attorney General to ensure interoper-
24 ability between all relevant United States Government sys-
25 tems.



1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Director and the
3 Secretary of Homeland Security such sums as may be nec-
4 essary to carry out this section.

5 **SEC. 119. VERIFICATION OF SECURITY MEASURES UNDER**
6 **THE CUSTOMS–TRADE PARTNERSHIP**
7 **AGAINST TERRORISM (C-TPAT) PROGRAM**
8 **AND THE FREE AND SECURE TRADE (FAST)**
9 **PROGRAM.**

10 (a) GENERAL VERIFICATION.—Not later than one
11 year after the date of the enactment of this Act, and on
12 a biannual basis thereafter, the Commissioner of the Bu-
13 reau of Customs and Border Protection of the Department
14 of Homeland Security shall verify on-site the security
15 measures of each individual and entity that is partici-
16 pating in the Customs–Trade Partnership Against Ter-
17 rorism (C-TPAT) program and the Free And Secure
18 Trade (FAST) program.

19 (b) POLICIES FOR NONCOMPLIANCE WITH C-TPAT
20 PROGRAM REQUIREMENTS.—The Commissioner shall es-
21 tablish policies for non-compliance with the requirements
22 of the C-TPAT program by individuals and entities par-
23 ticipating in the program, including probation or expulsion
24 from the program, as appropriate.



1 **TITLE II—ENSURING SUFFI-**
2 **CIENT WELL-TRAINED AND**
3 **WELL-EQUIPED PERSONNEL**
4 **AT UNITED STATES BORDERS**
5 **Subtitle A—Enhancing United**
6 **States Border Security Staffing**
7 **Resources**

8 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS FOR IN-**
9 **CREASED BORDER RESOURCES.**

10 (a) INCREASE IN BORDER PATROL AGENTS.—To
11 provide the Department of Homeland Security with the
12 resources it needs to carry out its mission and responsi-
13 bility to secure United States ports of entry and the inter-
14 national land and maritime borders of the United States
15 and in accordance with the provisions of section 5202 of
16 the Intelligence Reform and Terrorist Prevention Act of
17 2004 (requiring the Secretary of Homeland Security to
18 increase by not less than 2,000 in each of the fiscal years
19 2006 through 2010 the number of positions for full-time
20 active-duty border patrol agents, subject to the availability
21 of appropriations for such purpose) (Public Law 108–458;
22 118 Stat. 3734), there are authorized to be appropriated
23 to the Secretary of Homeland Security \$375,000,000 for
24 fiscal year 2007, \$692,000,000 for fiscal year 2008,



1 \$1,008,000,000 for fiscal year 2009, and \$1,324,000,000
2 for fiscal year 2010.

3 (b) ASSOCIATED COSTS.—There are authorized to be
4 appropriated to the Secretary of Homeland Security
5 \$303,000,000 for fiscal year 2007, \$356,000,000 for fis-
6 cal year 2008, \$419,000,000 for fiscal year 2009, and
7 \$482,000,000 for fiscal year 2010 to pay the costs associ-
8 ated with the new hires described in subsection (a),
9 including—

10 (1) costs to increase by a total of 1,547 the
11 number of mission or operational support staff posi-
12 tions between fiscal years 2007 and 2010;

13 (2) associated relocation costs;

14 (3) required information technology enhance-
15 ments; and

16 (4) costs to train such new hires.

17 (c) ANNUAL INCREASE IN CUSTOMS AND BORDER
18 PROTECTION OFFICERS.—There are authorized to be ap-
19 propriated to the Secretary of Homeland Security—

20 (1) \$107,000,000 for fiscal year 2007 to hire
21 400 Customs and Border Protection Officers above
22 the number of such positions for which funds were
23 allotted for fiscal year 2006;

24 (2) \$154,000,000 for fiscal year 2008 to hire
25 400 Customs and Border Protection Officers above



1 the number of such positions for which funds were
2 allotted for fiscal year 2007;

3 (3) \$198,000,000 for fiscal year 2009 to hire
4 400 Customs and Border Protection Officers above
5 the number of such positions for which funds were
6 allotted for fiscal year 2008; and

7 (4) \$242,000,000 for fiscal year 2010 to hire
8 400 Customs and Border Protection Officers above
9 the number of such positions for which funds were
10 allotted for fiscal year 2009.

11 **SEC. 202. BORDER PATROL UNIT FOR VIRGIN ISLANDS.**

12 Not later than September 30, 2006, the Secretary of
13 Homeland Security shall establish at least one Border Pa-
14 trol unit for the Virgin Islands of the United States.

15 **SEC. 203. INCREASE IN FULL TIME UNITED STATES CUS-**
16 **TOMS AND BORDER PROTECTION IMPORT**
17 **SPECIALISTS.**

18 (a) IN GENERAL.—The number of full time United
19 States Customs and Border Protection non-supervisory
20 import specialists in the Department of Homeland Secu-
21 rity shall be not less than 1,080 in fiscal year 2007.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Secretary of
24 Homeland Security such sums as may be necessary to



1 fund these positions and related expenses including train-
2 ing and support.

3 **SEC. 204. CERTIFICATIONS RELATING TO FUNCTIONS AND**
4 **IMPORT SPECIALISTS OF UNITED STATES**
5 **CUSTOM AND BORDER PROTECTION.**

6 (a) FUNCTIONS.—The Secretary of Homeland Secu-
7 rity shall annually certify to Congress, that, pursuant to
8 paragraph (1) of section 412(b) of the Homeland Security
9 Act of 2002 (6 U.S.C. 212(b)) the Secretary has not con-
10 solidated, discontinued, or diminished those functions de-
11 scribed in paragraph (2) of such section that were per-
12 formed by the United States Customs Service, or reduced
13 the staffing level or reduced resources attributable to such
14 functions.

15 (b) NUMBER OF IMPORT SPECIALISTS.—The Sec-
16 retary of Homeland Security shall annually certify to Con-
17 gress that, in accordance with the requirement described
18 in section 302(a), the number of full time non-supervisory
19 import specialists employed by United States Customs and
20 Border Protection is at least 1,080.

21 **SEC. 205. INCREASES IN CANINE DETECTION ENFORCE-**
22 **MENT TEAMS.**

23 In each of fiscal years 2007 through 2011, the Sec-
24 retary of Homeland Security shall, subject to the avail-
25 ability of appropriations, increase by not less than 25 per-



1 cent above the number of such positions for which funds
2 were allotted for the preceding fiscal year the number of
3 trained detection canines and canine handlers for use at
4 United States ports of entry and along the international
5 land and maritime borders of the United States.

6 **SEC. 206. STUDY TO DETERMINE APPROPRIATE LEVEL AND**
7 **ALLOCATION OF PERSONNEL AT PORTS OF**
8 **ENTRY AND BORDER PATROL SECTORS.**

9 (a) STUDY.—The Commissioner of the Bureau of
10 Customs and Border Protection of the Department of
11 Homeland Security shall conduct a study to determine the
12 necessary level and allocation of personnel of the Bureau
13 (including support staff) at all United States ports of
14 entry and between ports of entry in order to achieve and
15 maintain operational control over such ports of entry and
16 the entire international land and maritime borders of the
17 United States to prevent unlawful entry and threats to
18 the homeland. The Commissioner shall update and revise
19 the study on an annual basis as appropriate.

20 (b) REQUIREMENTS.—

21 (1) IN GENERAL.—In conducting the study pur-
22 suant to subsection (a), the Commissioner shall take
23 into account the following:

24 (A) The most recent staffing assessment
25 from each port director and the head of each



1 border patrol sector, as required under para-
2 graph (2).

3 (B) The most recent relevant information,
4 analyses, and vulnerability assessments relating
5 to ports of entry and areas between ports of
6 entry, as described in paragraph (3) of section
7 201(d) of the Homeland Security Act of 2002,
8 and made available to the Commissioner in ac-
9 cordance with paragraph (18) of such section.

10 (C) Any requests for additional personnel,
11 if needed, from each port director and the head
12 of each border patrol sector, including a de-
13 scription of whether the additional personnel
14 should be assigned on a temporary or perma-
15 nent basis.

16 (D) An analysis of the impact of new avail-
17 able technology on staffing requirements of the
18 Bureau.

19 (E) An analysis of traffic volume and wait
20 times at ports of entry.

21 (F) An analysis of the training regimen for
22 new officers of the Bureau and inspectors from
23 the former Customs Service and the former Im-
24 migration and Naturalization Service and the
25 extent to which the creation of the Bureau's Of-



1 ficer position has changed the personnel needs
2 of the Department.

3 (2) ADDITIONAL REQUIREMENT.—Each port di-
4 rector and the head of each border patrol sector
5 shall complete and submit to the Commissioner on
6 an annual basis an assessment of the level and allo-
7 cation of personnel necessary to carry out the re-
8 sponsibilities of such port director or the head of
9 such border patrol sector, as the case may be.

10 (c) REPORTS.—

11 (1) INITIAL REPORT.—Not later than 120 days
12 after the date of the enactment of this Act, the
13 Commissioner shall prepare and submit to the
14 Comptroller General and Congress a report that con-
15 tains the results of the study conducted pursuant to
16 subsection (a).

17 (2) SUBSEQUENT REPORTS.—The Commis-
18 sioner shall prepare and submit to the Comptroller
19 General and Congress on not less than an annual
20 basis a report that contains each updated or revised
21 study.

22 **SEC. 207. ASSESSMENT OF STUDY BY COMPTROLLER GEN-**
23 **ERAL.**

24 (a) ASSESSMENT.—The Comptroller General shall
25 conduct an assessment of the study conducted by the Bu-



1 reau of Customs and Border Protection under section 305
2 and shall conduct an assessment of each update or revision
3 to the study. In conducting the assessment, the Comp-
4 troller General is authorized to solicit input from any per-
5 sonnel of the Bureau.

6 (b) REPORT.—The Comptroller General shall prepare
7 and submit to Congress a report that contains the results
8 of each assessment conducted pursuant to subsection (a),
9 including any recommendations thereto that the Comp-
10 troller General determines to be appropriate.

11 **SEC. 208. ADDITIONAL AND CONTINUOUS TRAINING FOR**
12 **INSPECTORS.**

13 (a) IN GENERAL.—The Secretary of Homeland Secu-
14 rity shall provide appropriate training for inspectors, and
15 associated support staff on an ongoing basis to utilize new
16 technologies and to ensure that the proficiency levels of
17 such personnel are acceptable to protect the borders of the
18 United States.

19 (b) LANGUAGE TRAINING.—The Secretary of Home-
20 land Security shall ensure that appropriate foreign lan-
21 guage training is made available on an ongoing basis to
22 inspectors assigned to the southern and northern borders
23 of the United States to ensure that there is sufficient
24 number of inspectors at such borders who are proficient
25 in Spanish and other foreign languages determined to be



1 necessary to carry out antiterrorism, law enforcement, and
2 inspection functions.

3 (c) RETENTION AND DEVELOPMENT OF EXPERTS.—

4 Not later than six months after the date of the enactment
5 of this Act, the Secretary of Homeland Security shall
6 make recommendations to the appropriate congressional
7 committees (as defined in section 2 of the Homeland Secu-
8 rity Act of 2002 (6 U.S.C. 101)) on how the current De-
9 partment of Homeland Security personnel system should
10 be modified to allow for the retention and development of
11 immigration and customs experts, to include the creation
12 of new positions.

13 **SEC. 209. REQUIRING REPORT ON THE “ONE FACE AT THE**
14 **BORDER” INITIATIVE.**

15 (a) IN GENERAL.—Not later than March 31 of each
16 of the calendar years 2006, 2007, and 2008, the Secretary
17 of Homeland Security shall submit to Congress a report
18 on—

19 (1) the goals, success, and challenges facing the
20 One Face at the Border Initiative in enhancing secu-
21 rity and facilitating trade and travel;

22 (2) the number of personnel of the Bureau of
23 Customs and Border Protection that were personnel
24 of the United States Customs Service prior to the
25 establishment of the Department of Homeland Secu-



1 rity, that were personnel of the Immigration and
2 Naturalization Service prior to the establishment of
3 the Department of Homeland Security, and that
4 were hired after the establishment of the Depart-
5 ment of Homeland Security;

6 (3) the training time provided to each employee
7 on an annual basis for the various training compo-
8 nents of the One Face at the Border Initiative; and

9 (4) the steps taken by the Bureau of Customs
10 and Border Protection to ensure that expertise is re-
11 tained with respect to customs, immigration, and ag-
12 riculture inspection functions under the One Face at
13 the Border Initiative.

14 (b) ASSESSMENT OF REPORT.—The Comptroller
15 General of the United States shall review the reports sub-
16 mitted under subsection (a) and shall provide an assess-
17 ment to the appropriate congressional committees (as de-
18 fined in section 2 of the Homeland Security Act of 2002
19 (6 U.S.C. 101)) regarding the effectiveness of the One
20 Face at the Border Initiative.



1 **Subtitle B—Equipment Enhance-**
2 **ments to Address Shortfalls to**
3 **Securing United States Borders**

4 **SEC. 211. RADIO COMMUNICATIONS.**

5 The Secretary of Homeland Security shall augment
6 the existing radio communications system so all Federal
7 law enforcement personnel working in every area in which
8 United States Border Patrol operations are conducted
9 have clear and encrypted two-way radio communication
10 capabilities at all times.

11 **SEC. 212. HAND-HELD GLOBAL POSITIONING SYSTEM DE-**
12 **VICES.**

13 The Secretary of Homeland Security shall ensure
14 that each United States Border Patrol agent is issued,
15 when on patrol, a state-of-the-art hand-held global posi-
16 tioning system device for navigational purposes.

17 **SEC. 213. NIGHT VISION EQUIPMENT.**

18 The Secretary of Homeland Security shall ensure
19 that sufficient quantities of state-of-the-art night vision
20 equipment are procured and regularly maintained to en-
21 able each United States Border Patrol agent patrolling
22 during the hours of darkness to be equipped with a port-
23 able night vision device.



1 **SEC. 214. BODY ARMOR.**

2 The Secretary of Homeland Security shall ensure
3 that every United States Border Patrol agent is issued
4 high-quality body armor that is appropriate for the climate
5 and risks faced by the individual officer. Each officer shall
6 be allowed to select from among a variety of approved
7 brands and styles. All body armor shall be replaced at
8 least once every five years.

9 **SEC. 215. WEAPONS.**

10 The Secretary of Homeland Security shall ensure
11 that United States Border Patrol agents are equipped
12 with weapons that are reliable and effective to protect
13 themselves, their fellow officers, and innocent third parties
14 from the threats posed by armed criminals. In addition,
15 the Secretary shall ensure that the policies of the Depart-
16 ment of Homeland Security allow all such officers to carry
17 weapons selected from a Department approved list that
18 are suited to the potential threats that such officers face.

19 **Subtitle C—Human Capital En-**
20 **hancements to Improve the Re-**
21 **cruitment and Retention of Bor-**
22 **der Security Personnel**

23 **SEC. 221. MAXIMUM STUDENT LOAN REPAYMENTS FOR**
24 **UNITED STATES BORDER PATROL AGENTS.**

25 Section 5379(b) of title 5, United States Code, is
26 amended by adding at the end the following:



1 “(4) In the case of an employee (otherwise eligi-
2 ble for benefits under this section) who is serving as
3 a full-time active-duty United States Border Patrol
4 agent within the Department of Homeland
5 Security—

6 “(A) paragraph (2)(A) shall be applied by
7 substituting ‘\$20,000’ for ‘\$10,000’; and

8 “(B) paragraph (2)(B) shall be applied by
9 substituting ‘\$80,000’ for ‘\$60,000’.”.

10 **SEC. 222. RECRUITMENT AND RELOCATION BONUSES AND**
11 **RETENTION ALLOWANCES FOR PERSONNEL**
12 **OF THE DEPARTMENT OF HOMELAND SECU-**
13 **RITY.**

14 The Secretary of Homeland Security shall ensure
15 that the authority to pay recruitment and relocation bo-
16 nuses under section 5753 of title 5, United States Code,
17 the authority to pay retention bonuses under section 5754
18 of such title, and any other similar authorities available
19 under any other provision of law, rule, or regulation, are
20 exercised to the fullest extent allowable in order to encour-
21 age service in the Department of Homeland Security.

22 **SEC. 223. LAW ENFORCEMENT RETIREMENT COVERAGE**
23 **FOR INSPECTION OFFICERS AND OTHER EM-**
24 **PLOYEES.**

25 (a) AMENDMENTS.—



1 (1) FEDERAL EMPLOYEES' RETIREMENT SYS-
2 TEM.—

3 (A) Paragraph (17) of section 8401 of title
4 5, United States Code, is amended by striking
5 “and” at the end of subparagraph (C), and by
6 adding at the end the following:

7 “(E) an employee (not otherwise covered
8 by this paragraph)—

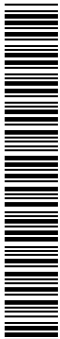
9 “(i) the duties of whose position in-
10 clude the investigation or apprehension of
11 individuals suspected or convicted of of-
12 fenses against the criminal laws of the
13 United States; and

14 “(ii) who is authorized to carry a fire-
15 arm; and

16 “(F) an employee of the Internal Revenue
17 Service, the duties of whose position are pri-
18 marily the collection of delinquent taxes and the
19 securing of delinquent returns;”.

20 (B) CONFORMING AMENDMENT.—Section
21 8401(17)(C) of title 5, United States Code, is
22 amended by striking “(A) and (B)” and insert-
23 ing “(A), (B), (E), and (F)”.

24 (2) CIVIL SERVICE RETIREMENT SYSTEM.—
25 Paragraph (20) of section 8331 of title 5, United



1 States Code, is amended by inserting after “posi-
2 tion.” (in the matter before subparagraph (A)) the
3 following: “For the purpose of this paragraph, the
4 employees described in the preceding provision of
5 this paragraph (in the matter before ‘including’)
6 shall be considered to include an employee, not oth-
7 erwise covered by this paragraph, who satisfies
8 clauses (i) and (ii) of section 8401(17)(E) and an
9 employee of the Internal Revenue Service the duties
10 of whose position are as described in section
11 8401(17)(F).”.

12 (3) EFFECTIVE DATE.—Except as provided in
13 subsection (b), the amendments made by this sub-
14 section shall take effect on the date of the enactment
15 of this Act, and shall apply only in the case of any
16 individual first appointed (or seeking to be first ap-
17 pointed) as a law enforcement officer (within the
18 meaning of those amendments) on or after such
19 date.

20 (b) TREATMENT OF SERVICE PERFORMED BY IN-
21 CUMBENTS.—

22 (1) LAW ENFORCEMENT OFFICER AND SERVICE
23 DESCRIBED.—

24 (A) LAW ENFORCEMENT OFFICER.—Any
25 reference to a law enforcement officer described



1 in this paragraph refers to an individual who
2 satisfies the requirements of section 8331(20)
3 or 8401(17) of title 5, United States Code (re-
4 lating to the definition of a law enforcement of-
5 ficer) by virtue of the amendments made by
6 subsection (a).

7 (B) SERVICE.—Any reference to service
8 described in this paragraph refers to service
9 performed as a law enforcement officer (as de-
10 scribed in this paragraph).

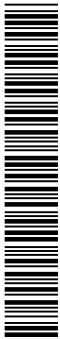
11 (2) INCUMBENT DEFINED.—For purposes of
12 this subsection, the term “incumbent” means an in-
13 dividual who—

14 (A) is first appointed as a law enforcement
15 officer (as described in paragraph (1)) before
16 the date of the enactment of this Act; and

17 (B) is serving as such a law enforcement
18 officer on such date.

19 (3) TREATMENT OF SERVICE PERFORMED BY
20 INCUMBENTS.—

21 (A) IN GENERAL.—Service described in
22 paragraph (1) which is performed by an incum-
23 bent on or after the date of the enactment of
24 this Act shall, for all purposes (other than those
25 to which subparagraph (B) pertains), be treated

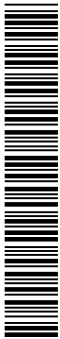


1 as service performed as a law enforcement offi-
2 cer (within the meaning of section 8331(20) or
3 8401(17) of title 5, United States Code, as ap-
4 propriate), irrespective of how such service is
5 treated under subparagraph (B).

6 (B) RETIREMENT.—Service described in
7 paragraph (1) which is performed by an incum-
8 bent before, on, or after the date of the enact-
9 ment of this Act shall, for purposes of sub-
10 chapter III of chapter 83 and chapter 84 of
11 title 5, United States Code, be treated as serv-
12 ice performed as a law enforcement officer
13 (within the meaning of section 8331(20) or
14 8401(17), as appropriate), but only if an appro-
15 priate written election is submitted to the Office
16 of Personnel Management within 5 years after
17 the date of the enactment of this Act or before
18 separation from Government service, whichever
19 is earlier.

20 (4) INDIVIDUAL CONTRIBUTIONS FOR PRIOR
21 SERVICE.—

22 (A) IN GENERAL.—An individual who
23 makes an election under paragraph (3)(B) may,
24 with respect to prior service performed by such
25 individual, contribute to the Civil Service Re-



1 tirement and Disability Fund the difference be-
2 tween the individual contributions that were ac-
3 tually made for such service and the individual
4 contributions that should have been made for
5 such service if the amendments made by sub-
6 section (a) had then been in effect.

7 (B) EFFECT OF NOT CONTRIBUTING.—If
8 no part of or less than the full amount required
9 under subparagraph (A) is paid, all prior serv-
10 ice of the incumbent shall remain fully cred-
11 itable as law enforcement officer service, but
12 the resulting annuity shall be reduced in a man-
13 ner similar to that described in section
14 8334(d)(2) of title 5, United States Code, to
15 the extent necessary to make up the amount
16 unpaid.

17 (C) PRIOR SERVICE DEFINED.—For pur-
18 poses of this subsection, the term “prior serv-
19 ice” means, with respect to any individual who
20 makes an election under paragraph (3)(B),
21 service (described in paragraph (1)) performed
22 by such individual before the date as of which
23 appropriate retirement deductions begin to be
24 made in accordance with such election.

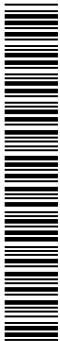


1 (5) GOVERNMENT CONTRIBUTIONS FOR PRIOR
2 SERVICE.—

3 (A) IN GENERAL.—If an incumbent makes
4 an election under paragraph (3)(B), the agency
5 in or under which that individual was serving at
6 the time of any prior service (referred to in
7 paragraph (4)) shall remit to the Office of Per-
8 sonnel Management, for deposit in the Treasury
9 of the United States to the credit of the Civil
10 Service Retirement and Disability Fund, the
11 amount required under subparagraph (B) with
12 respect to such service.

13 (B) AMOUNT REQUIRED.—The amount an
14 agency is required to remit is, with respect to
15 any prior service, the total amount of additional
16 Government contributions to the Civil Service
17 Retirement and Disability Fund (above those
18 actually paid) that would have been required if
19 the amendments made by subsection (a) had
20 then been in effect.

21 (C) CONTRIBUTIONS TO BE MADE RAT-
22 ABLY.—Government contributions under this
23 paragraph on behalf of an incumbent shall be
24 made by the agency ratably (on at least an an-



1 nual basis) over the 10-year period beginning
2 on the date referred to in paragraph (4)(C).

3 (6) EXEMPTION FROM MANDATORY SEPARA-
4 TION.—Nothing in section 8335(b) or 8425(b) of
5 title 5, United States Code, shall cause the involun-
6 tary separation of a law enforcement officer (as de-
7 scribed in paragraph (1)) before the end of the 3-
8 year period beginning on the date of the enactment
9 of this Act.

10 (7) REGULATIONS.—The Office shall prescribe
11 regulations to carry out this section, including—

12 (A) provisions in accordance with which in-
13 terest on any amount under paragraph (4) or
14 (5) shall be computed, based on section 8334(e)
15 of title 5, United States Code; and

16 (B) provisions for the application of this
17 subsection in the case of—

18 (i) any individual who—

19 (I) satisfies subparagraph (A)
20 (but not subparagraph (B)) of para-
21 graph (2); and

22 (II) serves as a law enforcement
23 officer (as described in paragraph (1))
24 after the date of the enactment of this
25 Act; and



1 (ii) any individual entitled to a sur-
2 vivor annuity (based on the service of an
3 incumbent, or of an individual under
4 clause (i), who dies before making an elec-
5 tion under paragraph (3)(B)), to the ex-
6 tent of any rights that would then be avail-
7 able to the decedent (if still living).

8 (8) RULE OF CONSTRUCTION.—Nothing in this
9 subsection shall be considered to apply in the case
10 of a reemployed annuitant.

11 **SEC. 224. INCREASE UNITED STATES BORDER PATROL**
12 **AGENT AND INSPECTOR PAY.**

13 Effective as of the first day of the first applicable
14 pay period beginning on the date that is one year after
15 the date of the enactment of this Act, the highest basic
16 rate of pay for a journey level United States Border Patrol
17 agent or immigration, customs, or agriculture inspector
18 within the Department of Homeland Security whose pri-
19 mary duties consist of enforcing the immigration, customs,
20 or agriculture laws of the United States shall increase
21 from the annual rate of basic pay for positions at GS–
22 11 of the General Schedule to the annual rate of basic
23 pay for positions at GS–12 of the General Schedule.



1 **SEC. 225. COMPENSATION FOR TRAINING AT FEDERAL LAW**
2 **ENFORCEMENT TRAINING CENTER.**

3 Official training, including training provided at the
4 Federal Law Enforcement Training Center, that is pro-
5 vided to a customs officer or canine enforcement officer
6 (as defined in subsection (e)(1) of section 5 of the Act
7 of February 13, 1911 (19 U.S.C. 267), or to a customs
8 and border protection officer shall be deemed work for
9 purposes of such section. If such training results in the
10 officer performing work in excess of 40 hours in the ad-
11 ministrative workweek of the officer or in excess of 8 hours
12 in a day, the officer shall be compensated for that work
13 at an hourly rate of pay that is equal to 2 times the hourly
14 rate of the basic pay of the officer, in accordance with
15 subsection (a)(1) of such section. Such compensation shall
16 apply with respect to such training provided to such offi-
17 cers on or after January 1, 2002. Not later than 60 days
18 after the date of the enactment of this Act, such com-
19 pensation shall be provided to such officers, together with
20 any applicable interest, calculated in accordance with sec-
21 tion 5596(b)(2) of title 5, United States Code.

22 **SEC. 226. FOREIGN LANGUAGE AWARDS.**

23 (a) IN GENERAL.—The Secretary of Homeland Secu-
24 rity shall pay a cash award to any law enforcement officer
25 or customs and border protection officer in the Depart-
26 ment of Homeland Security who—



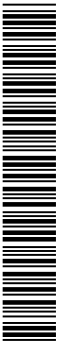
1 (1) during an annual performance assessment
2 process satisfies the minimum level of satisfactory
3 performance; and

4 (2) in the performance of the officer's official
5 duties, makes substantial use of one or more foreign
6 languages.

7 (b) AMOUNT OF AWARD.—An award under this sec-
8 tion shall be equal to five percent of the annual rate of
9 basic pay of the law enforcement officer or customs and
10 border protection officer who receives the award.

11 (c) PROCEDURE FOR AWARDS.—An award under this
12 section shall be paid according to regulations promulgated
13 by the Secretary. Such regulations shall include proce-
14 dures under which the foreign language proficiency of the
15 law enforcement officer or customs and border protection
16 officer shall be determined.

17 (d) CRITERIA FOR QUALIFICATION.—For purposes of
18 determining the foreign language proficiency of a law en-
19 forcement officer or customs and border protection officer
20 under subsection (c), an officer who successfully completes
21 a foreign language program as part of the officer's agency-
22 sponsored or agency-approved training shall be deemed to
23 possess the foreign language proficiency required to qual-
24 ify for an award under this section for such duration of



1 time as the officer serves as a law enforcement officer or
2 customs or border protection officer in the Department.

3 (e) RULE OF CONSTRUCTION.—Nothing contained in
4 this section shall be construed so as to prevent a law en-
5 forcement officer or customs and border protection officer
6 who is not described in subsection (d) from demonstrating
7 foreign language proficiency to qualify for an award in ac-
8 cordance with the regulations promulgated by the Sec-
9 retary pursuant to subsection (c).

10 **TITLE III—ENSURING A SUFFI-**
11 **CIENT DETENTION AND RE-**
12 **MOVAL PROGRAM AND SUS-**
13 **TAINABLE PARTNERSHIPS**
14 **WITH STATE AND LOCAL**
15 **PARTNERS**

16 **SEC. 301. INCREASE IN DETENTION BED SPACE.**

17 To avoid a return to the “catch and release policy”
18 and to address long-standing shortages of available deten-
19 tion beds, and to further authorize the provisions of sec-
20 tion 5204 of the Intelligence Reform and Terrorist Pre-
21 vention Act of 2004 (Public Law 108–458), there are au-
22 thorized to be appropriated to the Secretary of Homeland
23 Security \$375,000,000 for fiscal years 2006, 2007, 2008,
24 2009, and 2010 to increase by not less than 8,000 each
25 year the number of funded detention bed spaces.



1 **SEC. 302. FUNDING FOR STATE CRIMINAL ALIEN ASSIST-**
2 **ANCE PROGRAM (SCAAP).**

3 Section 241(i)(5) of the Immigration and Nationality
4 Act (8 U.S.C. 1231(i)(5)) is amended by inserting before
5 the period at the end the following: “, and \$1,000,000,000
6 for each subsequent fiscal year”.

7 **TITLE IV—INCREASED PEN-**
8 **ALTIES FOR ALIEN SMUG-**
9 **GLING AND HUMAN TRAF-**
10 **FICKING**

11 **SEC. 401. INCREASED CRIMINAL SENTENCES AND FINES**
12 **FOR ALIEN SMUGGLING AND HUMAN TRAF-**
13 **FICKING.**

14 (a) IN GENERAL.—Subject to subsection (b), pursu-
15 ant to its authority under section 994(p) of title 28,
16 United States Code, the United States Sentencing Com-
17 mission shall promulgate sentencing guidelines or amend
18 existing sentencing guidelines for smuggling, trafficking,
19 transporting, harboring, or inducing aliens under sections
20 274(a)(1)(A) of the Immigration and Nationality Act (8
21 U.S.C. 1324(a)(1)(A)) so as to—

22 (1) triple the minimum term of imprisonment
23 under that section for offenses involving the smug-
24 gling, trafficking, transporting, harboring, or induc-
25 ing of—



1 (A) 1 to 5 aliens from 10 months to 30
2 months;

3 (B) 6 to 24 aliens from 18 months to 54
4 months;

5 (C) 25 to 100 aliens from 27 months to 81
6 months; and

7 (D) 101 aliens or more from 37 months to
8 111 months;

9 (2) increase the minimum level of fines for each
10 of the offenses described in subparagraphs (A)
11 through (D) of paragraph (1) to the greater of
12 \$25,000 per alien or three times the amount the de-
13 fendant received or expected to receive as compensa-
14 tion for the illegal activity;

15 (3) increase by at least two offense levels above
16 the applicable enhancement in effect on the date of
17 the enactment of this Act the sentencing enhance-
18 ments for intentionally or recklessly creating a sub-
19 stantial risk of serious bodily injury or causing bod-
20 ily injury, serious injury, or permanent or life
21 threatening injury;

22 (4) for actions causing death, increase the of-
23 fense level to be equivalent to that for involuntary
24 manslaughter under section 1112 of title 18, United
25 States Code; and



1 (5) for corporations or other business entities
2 that knowingly benefit from such offenses, increase
3 the minimum level of fines for each of the offenses
4 described in subparagraphs (A) through (D) of para-
5 graph (1) to \$50,000 per alien employed directly, or
6 indirectly through contract, by the corporation or
7 entity.

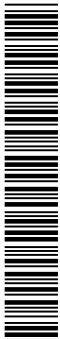
8 (b) EXCEPTION.—Subsection (a) shall not apply to
9 an offense that involved the smuggling, transporting, or
10 harboring only of the defendant’s spouse or child (or both
11 the defendant’s spouse and child).

12 (c) DEADLINE.—The United States Sentencing Com-
13 mission shall carry out subsection (a) not later than the
14 date that is 6 months after the date of the enactment of
15 this Act.

16 **SEC. 402. INCREASED PENALTY FOR ALIEN SMUGGLING**
17 **AND HUMAN TRAFFICKING.**

18 (a) IN GENERAL.—The third undesignated para-
19 graph of section 545 of title 18, United States Code, is
20 amended by striking “five years” and inserting “20
21 years”.

22 (b) ENHANCED PENALTY FOR CAUSING DEATH.—
23 Pursuant to its authority under section 994 of title 28,
24 United States Code, the United States Sentencing Com-
25 mission shall amend the Federal sentencing guidelines to



1 provide sentencing enhancements for an offense under sec-
2 tion 545 of title 18, United States Code, as amended by
3 subsection (a), that results in the death of a person.

4 (c) CONSISTENCY WITH OTHER GUIDELINES.—In
5 carrying out this section, the United States Sentencing
6 Commission—

7 (1) shall ensure that there is reasonable consist-
8 ency with other Federal sentencing guidelines; and

9 (2) shall avoid duplicative punishments for sub-
10 stantially the same offense.

